

**BEFORE THE
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION**

In the Matter of)
)
Application of **NebraskaLink Holdings, LLC**) Docket No. _____
For a Certificate of Authority for)
Interexchange Service)

Application for a Certificate of Authority for Interexchange Service

COMES NOW, NebraskaLink Holdings, LLC, (“NebraskaLink”) a Nebraska limited liability company, by and through its undersigned counsel, and requests pursuant to A.R.S.D. § 20:10:24:02 of the Public Utilities Commission’s (“Commission”) Administrative Rules, a certificate of authority for interexchange service and submits the following information in support thereof:

- (1) The applicant’s name, address, telephone number, facsimile number, web page URL, and E-mail address (A.R.S.D. § 20:10:24:02 (1)):**

NebraskaLink Holdings, LLC d/b/a OPTK Networks
3900 NW 12th Street, Suite 100
Lincoln, Nebraska 68521
Ph: 888.893.2185
Facsimile: 888.550.9080
Web Page URL: www.optk.com
Email address: mark.shaw@optk.com

- (2) A description of the legal and organizational structure of the applicant’s company (A.R.S.D. § 20:10:24:02(2)):**

NebraskaLink Holdings, LLC, a Nebraska limited liability company, was organized on November 14, 2011.

- (3) The name under which applicant will provide interexchange services if different than in subdivision (1) of this section (A.R.S.D. § 20:10:24:02(3)):**

OPTK Networks.

- (4) A copy of the applicant’s certificate of authority to transact business in South Dakota from the Secretary of State (A.R.S.D. § 20:10:24:02(4)):**

A copy of NebraskaLink's Certificate of Authority from the South Dakota Secretary of State is attached as Exhibit A.

- (5) **The location of the applicant's principal office, if any, in this state, and the name and address of its current registered agent, if applicable (A.R.S.D § 20:10:24:02(5)):**

Currently, NebraskaLink does not have a principal office located in South Dakota.

The name and address of the current registered agent is:

Pacific Registered Agents, Inc. (0000009)
401 E 8th Street, Suite 213-3010
Sioux Falls, SD 57103

- (6) **A list and specific description of the types of services the applicant seeks to offer (A.R.S.D. § 20:10:24:02 (6)):**

NebraskaLink proposes to provide Voice over Internet interexchange service, internet access service and fiber transport services through the use of its own facilities and leased facilities from third party carriers. It is estimated that NebraskaLink will commence provision of services in South Dakota by July 1, 2022.

- (7) **A detailed statement of how the applicant will provide its services (A.R.S.D § 20:10:24:02(7)):**

NebraskaLink intends to provide its services through the use of its own facilities and facilities leased from third party carriers. NebraskaLink's staff has the skills necessary to promote, operate, and maintain its network and services. Biographies of NebraskaLink's CEO and CFO are attached as Exhibit B.

- (8) **A service area map or narrative description indicating with particularity the geographic area proposed to be served by the applicant (A.R.S.D. § 20:10:24:02(8)):**

NebraskaLink does not, at this time, have firm plans regarding the geographic area that it proposes to serve in South Dakota. However, NebraskaLink will initially offer its services in the territory now served by Qwest Corp. d/b/a CenturyLink QC (also known as Lumen) in South Dakota.

- (9) **For the most recent 12 month period, financial statements of the applicant including a balance sheet, income statement, and cash flow statement. The applicant shall provide audited financial statements, if available (A.R.S.D. § 20:10:24:02(9)):**

Please refer to Item (19) below requesting a waiver of this Rule.

- (10) **The names, addresses, telephone number, facsimile number, E-mail address, and toll free number of the applicant's representatives to whom all inquiries must be**

made regarding complaints and regulatory matters and a description of how the applicant handles customer service matters (A.R.S.D. § 20:10:24:02(10)):

NebraskaLink will be responsible for all customer inquiries and complaints. The telephone number for customer inquiries and complaints will be provided by NebraskaLink on the customer bill. Customer service will be available seven days a week, twenty-four hours a day.

For complaint matters by Customers:

R.J. Kienholz – Service Assurance Manager
NebraskaLink Holdings, LLC d/b/a OPTK Networks
3900 NW 12th Street, Suite 100
Lincoln, Nebraska 68521
Ph: 888.893.2185
Facsimile: 888.550.9080
Email address: noc@optk.com

For regulatory matters:

Mark Shaw, CEO
NebraskaLink Holdings, LLC d/b/a OPTK Networks
3900 NW 12th Street, Suite 100
Lincoln, Nebraska 68521
Ph: 888.893.2185
Facsimile: 888.550.9080
Email address: notices@optk.com

(11) Information concerning how the applicant plans to bill and collect charges from customers (A.R.S.D. § 20:10:24:02(11)):

NebraskaLink will bill customers directly. Customer payments will be made directly to NebraskaLink.

(12) Information concerning the applicant's policies relating to solicitation of new customers and a description of the efforts the applicant shall use to prevent the unauthorized switching of interexchange customers (A.R.S.D. § 20:10:24:02(12)):

NebraskaLink will follow federal and state rules regarding switching of interexchange service customers.

(13) Information concerning how the applicant will make available to any person information concerning the applicant's current rates, terms, and conditions for all of its telecommunications services (A.R.S.D. § 20:10:24:02(13)):

Current rates, terms, and conditions will be made available to the public and customers via NebraskaLink's website and brochures.

- (14) Information concerning how the applicant will notify a customer of any materially adverse change to any rate, term, or condition of any telecommunications service being provided to the customer. The notification must be made at least thirty days in advance of the change (A.R.S.D. § 20:10:24:02(14)):**

Changes to rates, terms or conditions will be made at least thirty days in advance via direct mail, bill inserts, and/or email notification.

- (15) A list of the states in which the applicant is registered or certified to provide telecommunications services, whether the applicant has ever been denied registration or certification in any state and the reasons for any such denial, a statement as to whether or not the applicant is in good standing with the appropriate regulatory agency in the states where it is registered or certified, and a detailed explanation of why the applicant is not in good standing in a given state, if applicable (A.R.S.D. § 20:10:24:02:15):**

NebraskaLink is certified to provide telecommunications services in the states of Colorado, Missouri, Nebraska and Wyoming. NebraskaLink is in good standing with the appropriate regulatory agencies in each of these states.

- (16) A description of how the applicant intends to market its services, its target market, whether the applicant engages in any multilevel marketing, and copies of any company brochures used to assist in the sale of services (A.R.S.D. § 20:10:24.02.16)):**

NebraskaLink's current plan is to only offer business services in South Dakota. Attached and marked as Exhibit C is a copy of a Sales Overview brochure that NebraskaLink has prepared and is using in Nebraska. Preparation of a similar document for use in South Dakota is planned.

- (17) Federal tax identification number and South Dakota sales tax number (A.R.S.D § 20:10:24:02 (17)):**

Federal EIN: 45-3930234

NebraskaLink will apply for a South Dakota sales tax number prior to offering any services in South Dakota.

- (18) The number and nature of complaints filed against the applicant with any state or federal regulatory commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered (A.R.S.D §20:10:24:02 (18)):**

None.

- (19) **A written request for waiver of those rules the applicant believes to be inapplicable (A.R.S.D §20:10:24:02 (19)):**

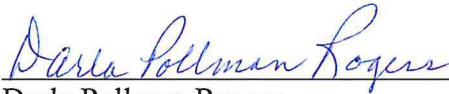
NebraskaLink requests a waiver of A.R.S.D. § 20:10:24:02(9)).

- (20) **Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the interexchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws (A.R.S.D §20:10:24:02 (20)):**

NebraskaLink will provide further information as reasonably requested by the Commission.

Dated this 18th day of March, 2022.

Respectfully submitted,



Darla Pollman Rogers

Riter Rogers, LLP

PO Box 280

Pierre, SD 57501

Attorneys for NebraskaLink Holdings, LLC